

## **KontraS Statement on the International Day of the Disappeared 2025**

In commemoration of the 2025 International Day of the Disappeared, the Commission for the Disappeared and Victims of Violence (KontraS) and Indonesian Association of Families of the Disappeared (IKOHI) demand the Indonesian legislative to immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) and the Indonesian security forces to end the practice of enforced disappearance.

Internationally acknowledged as a serious violation of human rights, enforced disappearance is not new to Indonesia. The National Commission on Human Rights has documented through pro-justicia inquiry that enforced disappearance in Indonesia had occurred way back since 1965. At that time, such practice was commonly used to target communists, including those who were only perceived as communists, as a means to eradicate the Indonesian Communist Party from Indonesia's political constellation. Throughout Soeharto's presidency from 1966 until 1998, enforced disappearance was frequently used to silence opponents and those who were critical of the government.

However, the promise of democratisation and respect for human rights under the moment of the Reform in 1998 did not go hand in hand with the end of enforced disappearances. As per 2025, enforced disappearances remain happening and become a serious threat for human rights. The prominent characteristic of present-day enforced disappearance remains similar to those during Soeharto's authoritarian regime, that is to silence critical voices. In military operations areas such as Aceh dan West Papua, many civilians were forcibly disappeared by the security forces as the areas were heavily militarised. It should be noted that West Papua remains militarised today while conflict in Aceh ended in 2005. Additionally, short-term enforced disappearances also targeted protesters of a massive, nationwide protest commonly known as Peringatan Darurat (Emergency Warning) occurred from 22–24 August 2024, a protest against the bill on the revision of the Regional Head Elections that may allow nepotism. Short-term enforced disappearance also once targeted a human rights defender in Pakel, East Java for defending his land against the corporation's claim.

As a matter of fact, Indonesia has signed the ICPPED in 2010, showing Indonesia's acknowledgement of enforced disappearance as a crime and, in certain circumstances, a crime against humanity. However, to this day, the ICPPED still has not been ratified. This goes against the fact that there are no procedural obstacles in ratifying the Convention. Indonesia's Law on Formation of Laws and Regulations stipulates that the ratification of international agreement is automatically a priority bill to be passed, categorized as open cumulative bill(s). This, first and foremost, means that the bill on the Ratification of the ICPPED is a priority law that has to be passed immediately by the People's Representative Council. Furthermore, in 2022, a Presidential Letter endorsing the ratification was sent to the Council. Aside from ICPPED, Indonesia does not have any law on enforced disappearance, both as preventive and corrective mechanisms.

As a comparison, instead of immediately discussing and passing the bills that favor the people and have long not been passed—such as the ratification of the ICPPED, the bill on the Protection of Domestic Workers, and the bill on the Indigenous People—the Parliament initiated sessions to discuss and pass several problematic bills that harm the people. These problematic bills are the Military Law that has been passed on the 20 March 2025, the bill on the National Police, and the bill on the Criminal Procedural Code. It should be underlined that these bills contain provisions that threaten human rights and maintain

impunity, instead of provisions that strengthen democratic institutions and uphold state accountability. In particular, the bill on the Criminal Procedural Code remains allowing enforced disappearance through arrest. This is worsened by the police institutionalised culture of disrespect towards human rights in general, let alone of those who are perceived as criminals.

An internal National Police regulation already regulated that the police has to carry out its duties in accordance with human rights, including the rights not to be subjected to enforced disappearance as stipulated in the ICPPED. Police officers who violate this provision shall be sanctioned through the trials of the Commission of the National Police Ethical Code. However, no sanctions have been imposed to any police officers allegedly responsible for the disappearance.

To conclude, the state's responsibility is not only a matter of morality but also a legal matter. Indonesia's 1945 Constitution and the Law Number 39 of Year 1999 on Human Rights guarantee every person's right not to be subjected to enforced disappearances. To implement the state's commitment on guaranteeing this right, the state needs to end enforced disappearances, ratify the ICPPED, and create regulations that protect the victim families and help them in dealing with the excess of the crime.

Therefore, we demand for:

1. The People's Representative Council of Indonesia to immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED);
2. The Attorney General to conduct investigation on cases of gross violations of human rights with enforced disappearances occurred;
3. The Government to provide thorough and dignified recovery for the victim families, including to compensate for their search efforts, not only in material forms, but also through truth-telling, recognition, criminal prosecution, guarantees of non-recurrence, and civil restitution, including officially registering the victim as the "disappeared";
4. The Ministry of Culture of Indonesia to include the practices of enforced disappearances during the New Order regime within formal education curriculum of history;
5. The Government, the National Police, and the Indonesia National Military to end enforced disappearances and to end impunity for the perpetrators, including through vetting and lustration.

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